

114TH CONGRESS
1ST SESSION

H. R. 366

To reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. COHEN (for himself, Mr. LOWENTHAL, Ms. NORTON, Ms. KELLY of Illinois, Mr. RANGEL, Ms. TSONGAS, Mr. MEEKS, Mr. RUSH, Ms. BORDALLO, Mr. MCGOVERN, Mr. CICILLINE, Mr. JOHNSON of Georgia, Ms. BASS, and Mr. SERRANO) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Oversight and Government Reform, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Putting Our Veterans Back to Work Act of 2015”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RENEWING OUR VOW TO HIRE HEROES

Sec. 101. Reauthorization of veterans retraining assistance program.

Sec. 102. Extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of Armed Forces with severe injuries or illnesses.

Sec. 103. Extension of additional rehabilitation programs for persons who have exhausted rights to unemployment benefits under State law.

Sec. 104. Reauthorization of collaborative veterans’ training, mentoring, and placement program.

TITLE II—BUILDING ON OUR VOW TO HIRE HEROES

Sec. 201. Unified employment portal for veterans.

Sec. 202. Grants to hire veterans as first responders.

Sec. 203. Employment of veterans as evaluation factor in the awarding of Federal contracts.

TITLE III—IMPROVING EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 301. Enforcement of rights of members of uniformed services with respect to States and private employers.

Sec. 302. Suspension, termination, or debarment of contractors for repeated violations of employment or reemployment rights of members of uniformed services.

Sec. 303. Subpoena power for Special Counsel in enforcement of employment and reemployment rights of members of uniformed services with respect to Federal executive agencies.

Sec. 304. Issuance and service of civil investigative demands by Attorney General.

6 **TITLE I—RENEWING OUR VOW**
7 **TO HIRE HEROES**

8 **SEC. 101. REAUTHORIZATION OF VETERANS RETRAINING**
9 **ASSISTANCE PROGRAM.**

10 (a) EXTENSION.—Subsection (k) of section 211 of
11 the VOW to Hire Heroes Act of 2011 (Public Law 112–

1 56; 38 U.S.C. 4100 note) is amended by striking “March
2 31, 2014” and inserting “December 31, 2018”.

3 (b) NUMBER OF ELIGIBLE VETERANS.—Subsection
4 (a)(2) of such section is amended—

5 (1) in subparagraph (A), by striking “and” at
6 the end;

7 (2) in subparagraph (B), by striking the period
8 at the end and inserting a semicolon; and

9 (3) by adding at the end the following new sub-
10 paragraphs:

11 “(C) 50,000 during fiscal year 2015;

12 “(D) 50,000 during fiscal year 2016;

13 “(E) 50,000 during fiscal year 2017; and

14 “(F) 50,000 during the period beginning
15 October 1, 2017, and ending December 31,
16 2018.”.

17 (c) CLARIFICATION OF LIMITATION ON AGGREGATE
18 AMOUNT OF ASSISTANCE.—Subsection (b) of such section
19 is amended by striking “up to 12 months of retraining
20 assistance provided by the Secretary of Veterans Affairs”
21 and inserting “an aggregate of not more than 12 months
22 of retraining assistance provided by the Secretary of Vet-
23 erans Affairs under this section”.

1 (d) UPDATED REPORT.—Subsection (i) of such sec-
 2 tion is amended by adding at the end the following new
 3 paragraph:

4 “(3) UPDATE.—Not later than December 31,
 5 2019, the Secretary of Veterans Affairs, in collabo-
 6 ration with the Secretary of Labor, shall submit to
 7 the appropriate committees of Congress an update
 8 to the report described in paragraph (1).”.

9 **SEC. 102. EXTENSION OF AUTHORITY OF SECRETARY OF**
 10 **VETERANS AFFAIRS TO PROVIDE REHABILI-**
 11 **TATION AND VOCATIONAL BENEFITS TO**
 12 **MEMBERS OF ARMED FORCES WITH SEVERE**
 13 **INJURIES OR ILLNESSES.**

14 (a) IN GENERAL.—Section 1631(b)(2) of the Wound-
 15 ed Warrior Act (title XVI of Public Law 110–181; 10
 16 U.S.C. 1071 note) is amended by striking “December 31,
 17 2014” and inserting “December 31, 2018”.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
 20 after the date of the enactment of this Act, the Sec-
 21 retary of Veterans Affairs shall submit to the appro-
 22 priate committees of Congress a report on the bene-
 23 fits provided by the Secretary under section 1631(b)
 24 of such Act.

1 (2) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—In this subsection, the term “appropriate
3 committees of Congress” means—

4 (A) the Committee on Armed Services and
5 the Committee on Veterans’ Affairs of the Sen-
6 ate; and

7 (B) the Committee on Armed Services and
8 the Committee on Veterans’ Affairs of the
9 House of Representatives.

10 **SEC. 103. EXTENSION OF ADDITIONAL REHABILITATION**
11 **PROGRAMS FOR PERSONS WHO HAVE EX-**
12 **HAUSTED RIGHTS TO UNEMPLOYMENT BENE-**
13 **FITS UNDER STATE LAW.**

14 Section 3102(b)(4) of title 38, United States Code,
15 is amended by striking “March 31, 2014” and inserting
16 “March 31, 2018”.

17 **SEC. 104. REAUTHORIZATION OF COLLABORATIVE VET-**
18 **ERANS’ TRAINING, MENTORING, AND PLACE-**
19 **MENT PROGRAM.**

20 Subsection (e) of section 4104A of title 38, United
21 States Code, is amended to read as follows:

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 amounts as follows:

1 “(1) \$4,500,000 for the period consisting of fis-
2 cal years 2016 and 2017.

3 “(2) \$4,500,000 for the period consisting of fis-
4 cal years 2018 and 2019.”.

5 **TITLE II—BUILDING ON OUR**
6 **VOW TO HIRE HEROES**

7 **SEC. 201. UNIFIED EMPLOYMENT PORTAL FOR VETERANS.**

8 Section 4105 of title 38, United States Code is
9 amended by adding at the end the following:

10 “(c)(1) The Secretary shall develop a single, unified
11 Federal web-based employment portal, for use by veterans,
12 containing information regarding all Federal programs
13 and activities concerning employment, unemployment, and
14 training to the extent the programs and activities affect
15 veterans.

16 “(2) The Secretary shall work with representatives
17 from the Department of Defense, the Department of Vet-
18 erans Affairs, the Small Business Administration, and
19 other Federal agencies and organizations concerned with
20 veterans’ issues, to determine an appropriate platform and
21 implementing agency for the portal. The Secretary shall
22 enter into an agreement with the other Federal agencies
23 for the implementation of the portal.”.

1 **SEC. 202. GRANTS TO HIRE VETERANS AS FIRST RESPOND-**
 2 **ERS.**

3 (a) GRANTS FOR FIREFIGHTERS.—The Secretary of
 4 Homeland Security shall award grants under section 34
 5 of the Federal Fire Prevention and Control Act of 1974
 6 (15 U.S.C. 2229a) to hire veterans as firefighters.

7 (b) GRANTS FOR LAW ENFORCEMENT OFFICERS.—
 8 The Attorney General shall award grants under part Q
 9 of title I of the Omnibus Crime Control and Safe Streets
 10 Act of 1968 (42 U.S.C. 3796dd et seq.) to hire veterans
 11 as law enforcement officers.

12 (c) PRIORITY.—In awarding grants under this sec-
 13 tion to hire veterans, the Secretary of Homeland Security
 14 and the Attorney General shall give priority to the hiring
 15 of veterans who served on active duty in the Armed Forces
 16 on or after September 11, 2001.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 18 authorized to be appropriated to carry out this section
 19 \$250,000,000.

20 **SEC. 203. EMPLOYMENT OF VETERANS AS EVALUATION**
 21 **FACTOR IN THE AWARDING OF FEDERAL**
 22 **CONTRACTS.**

23 (a) CIVILIAN CONTRACTS.—

24 (1) IN GENERAL.—Chapter 33 of title 41,
 25 United States Code, is amended by adding at the
 26 end the following new section:

1 **“§ 3313. Employment of veterans as evaluation factor**

2 “The head of each executive agency shall consider fa-
 3 vorably as an evaluation factor in solicitations for con-
 4 tracts and task or delivery order valued at or above
 5 \$25,000,000 the employment by a prospective contractor
 6 of veterans constituting at least 5 percent of the contrac-
 7 tor’s workforce.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
 9 tions at the beginning of such chapter is amended
 10 by adding after the item relating to section 3312 the
 11 following new item:

“3313. Employment of veterans as evaluation factor.”.

12 (b) DEFENSE CONTRACTS.—

13 (1) IN GENERAL.—Chapter 137 of title 10,
 14 United States Code, is amended by adding at the
 15 end the following new section:

16 **“§ 2338. Employment of veterans as evaluation factor**

17 “The head of each agency shall consider favorably as
 18 an evaluation factor in solicitations for contracts and task
 19 or delivery order valued at or above \$25,000,000 the em-
 20 ployment by a prospective contractor of veterans consti-
 21 tuting at least five percent of the contractor’s workforce.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
 23 tions at the beginning of such chapter is amended

1 by adding after the item relating to section 2337 the
 2 following new item:

“2338. Employment of veterans as evaluation factor.”.

3 (c) REGULATIONS.—Not later than 180 days after
 4 the date of the enactment of this Act, the Federal Acquisi-
 5 tion Regulatory Council shall amend the Federal Acquisi-
 6 tion Regulation to carry out the provisions of section 3313
 7 of title 41, United States Code, and section 2338 of title
 8 10, United States Code, as added by subsections (a) and
 9 (b), respectively.

10 **TITLE III—IMPROVING EMPLOY-**
 11 **MENT AND REEMPLOYMENT**
 12 **RIGHTS OF MEMBERS OF THE**
 13 **UNIFORMED SERVICES**

14 **SEC. 301. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNI-**
 15 **FORMED SERVICES WITH RESPECT TO**
 16 **STATES AND PRIVATE EMPLOYERS.**

17 (a) ACTION FOR RELIEF.—Subsection (a) of section
 18 4323 of title 38, United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by striking “appear on behalf of, and
 21 act as attorney for, the person on whose behalf
 22 the complaint is submitted and”;

23 (B) by striking “for such person”;

24 (C) by striking the fourth sentence; and

1 (D) by adding at the end the following:

2 “The person on whose behalf the complaint is
3 referred may, upon timely application, intervene
4 in such action, and may obtain such appro-
5 priate relief as is provided in subsections (d)
6 and (e).”;

7 (2) by striking paragraph (2) and inserting the
8 following new paragraph (2):

9 “(2)(A) Not later than 60 days after the date the
10 Attorney General receives a referral under paragraph (1),
11 the Attorney General shall transmit, in writing, to the per-
12 son on whose behalf the complaint is submitted—

13 “(i) if the Attorney General has made a deci-
14 sion to commence an action for relief under para-
15 graph (1) relating to the complaint of the person,
16 notice of the decision; and

17 “(ii) if the Attorney General has not made such
18 a decision, notice of when the Attorney General ex-
19 pects to make such a decision.

20 “(B) If the Attorney General notifies a person that
21 the Attorney General expects to make a decision under
22 subparagraph (A)(ii), the Attorney General shall, not later
23 than 30 days after the date on which the Attorney General
24 makes such decision, notify, in writing, the person of such
25 decision.”;

1 (3) by redesignating paragraph (3) as para-
2 graph (4);

3 (4) by inserting after paragraph (2) the fol-
4 lowing new paragraph (3):

5 “(3) Whenever the Attorney General has reasonable
6 cause to believe that a State (as an employer) or a private
7 employer is engaged in a pattern or practice of resistance
8 to the full enjoyment of any of the rights and benefits pro-
9 vided for under this chapter, and that the pattern or prac-
10 tice is of such a nature and is intended to deny the full
11 exercise of such rights and benefits, the Attorney General
12 may commence an action for relief under this chapter.”;
13 and

14 (5) in paragraph (4), as redesignated by para-
15 graph (3), by striking subparagraph (C) and insert-
16 ing the following new subparagraph (C):

17 “(C) has been notified by the Attorney General
18 that the Attorney General does not intend to com-
19 mence an action for relief under paragraph (1) with
20 respect to the complaint under such paragraph.”.

21 (b) **STANDING.**—Subsection (f) of such section is
22 amended to read as follows:

23 “(f) **STANDING.**—An action under this chapter may
24 be initiated only by the Attorney General or by a person

1 claiming rights or benefits under this chapter under sub-
 2 section (a).”.

3 (c) CONFORMING AMENDMENT.—Subsection (h)(2)
 4 of such section is amended by striking “under subsection
 5 (a)(2)” and inserting “under paragraph (1) or (4) of sub-
 6 section (a)”.

7 **SEC. 302. SUSPENSION, TERMINATION, OR DEBARMENT OF**
 8 **CONTRACTORS FOR REPEATED VIOLATIONS**
 9 **OF EMPLOYMENT OR REEMPLOYMENT**
 10 **RIGHTS OF MEMBERS OF UNIFORMED SERV-**
 11 **ICES.**

12 (a) IN GENERAL.—Subchapter III of chapter 43 of
 13 title 38, United States Code, is amended by adding at the
 14 end the following new section:

15 **“§ 4328. Suspension, termination, or debarment of**
 16 **contractors**

17 “(a) GROUNDS FOR SUSPENSION, TERMINATION, OR
 18 DEBARMENT.—Payment under a contract awarded by a
 19 Federal executive agency may be suspended and the con-
 20 tract may be terminated, and the contractor who made
 21 the contract with the agency may be suspended or
 22 debarred in accordance with the requirements of this sec-
 23 tion, if the head of the agency determines that the con-
 24 tractor as an employer has repeatedly been convicted of

1 failing or refusing to comply with one or more provisions
2 of this chapter.

3 “(b) EFFECT OF DEBARMENT.—A contractor
4 debarred by a final decision under this section is ineligible
5 for award of a contract by a Federal executive agency,
6 and for participation in a future procurement by a Federal
7 executive agency, for a period specified in the decision, not
8 to exceed five years.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 43 of such title is amended
11 by inserting after the item relating to section 4327 the
12 following new item:

“4328. Suspension, termination, or debarment of contractor.”.

13 (c) REGULATIONS.—Not later than 180 days after
14 the date of the enactment of this Act, the Federal Acquisi-
15 tion Regulatory Council shall amend the Federal Acquisi-
16 tion Regulation to carry out section 4328 of title 38,
17 United States Code, as added by subsection (a).

18 (d) EFFECTIVE DATE.—Section 4328 of title 38,
19 United States Code, as added by subsection (a), shall
20 apply with respect to failures and refusals to comply with
21 provisions of chapter 43 of such title occurring on or after
22 the date of the enactment of this Act.

23 (e) ANNUAL REPORT.—Section 4332(a) of such title
24 is amended—

1 (1) by redesignating paragraph (10) as para-
2 graph (11); and

3 (2) by inserting after paragraph (9) the fol-
4 lowing new paragraph (10):

5 “(10) The number of suspensions, terminations,
6 and debarments under section 4328 of this title,
7 disaggregated by the agency or department imposing
8 the suspension or debarment.”.

9 **SEC. 303. SUBPOENA POWER FOR SPECIAL COUNSEL IN EN-**
10 **FORCEMENT OF EMPLOYMENT AND REEM-**
11 **PLOYMENT RIGHTS OF MEMBERS OF UNI-**
12 **FORMED SERVICES WITH RESPECT TO FED-**
13 **ERAL EXECUTIVE AGENCIES.**

14 Section 4324 of title 38, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(e)(1) In order to carry out the Special Counsel’s
18 responsibilities under this section, the Special Counsel
19 may require by subpoena the attendance and testimony
20 of Federal employees and the production of documents
21 from Federal employees and Federal executive agencies.

22 “(2) In the case of contumacy or failure to obey a
23 subpoena issued under paragraph (1), upon application by
24 the Special Counsel, the Merit Systems Protection Board
25 may issue an order requiring a Federal employee or Fed-

1 eral executive agency to comply with a subpoena of the
2 Special Counsel.

3 “(3) An order issued under paragraph (2) may be
4 enforced by the Merit Systems Protection Board in the
5 same manner as any order issued under section 1204 of
6 title 5.”.

7 **SEC. 304. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE**
8 **DEMANDS BY ATTORNEY GENERAL.**

9 (a) IN GENERAL.—Section 4323 of title 38, United
10 States Code, is amended—

11 (1) by redesignating subsection (i) as subsection
12 (j); and

13 (2) by inserting after subsection (h) the fol-
14 lowing new subsection (i):

15 “(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-
16 TIVE DEMANDS.—(1) Whenever the Attorney General has
17 reason to believe that any person may be in possession,
18 custody, or control of any documentary material relevant
19 to an investigation under this subchapter, the Attorney
20 General may, before commencing a civil action under sub-
21 section (a), issue in writing and serve upon such person,
22 a civil investigative demand requiring—

23 “(A) the production of such documentary mate-
24 rial for inspection and copying;

1 “(B) that the custodian of such documentary
2 material answer in writing written questions with re-
3 spect to such documentary material; or

4 “(C) the production of any combination of such
5 documentary material or answers.

6 “(2) The provisions of section 3733 of title 31 gov-
7 erning the authority to issue, use, and enforce civil inves-
8 tigative demands shall apply with respect to the authority
9 to issue, use, and enforce civil investigative demands under
10 this section, except that, for purposes of applying such sec-
11 tion 3733—

12 “(A) references to false claims law investigators
13 or investigations shall be considered references to in-
14 vestigators or investigations under this subchapter;

15 “(B) references to interrogatories shall be con-
16 sidered references to written questions, and answers
17 to such need not be under oath;

18 “(C) the definitions relating to ‘false claims
19 law’ shall not apply; and

20 “(D) provisions relating to qui tam relators
21 shall not apply.”.

22 (b) EFFECTIVE DATE.—Subsection (i) of such sec-
23 tion, as added by subsection (a)(2), shall take effect on
24 the date of the enactment of this Act and shall apply with

1 respect to violations of chapter 43 of such title alleged to
 2 have occurred on or after such date.

3 (c) ANNUAL REPORTS.—Section 4332(b)(2) of such
 4 title is amended—

5 (1) by striking “Not later than” and inserting
 6 the following:

7 “(A) IN GENERAL.—Not later than”; and

8 (2) by adding at the end the following new sub-
 9 paragraph:

10 “(B) ANNUAL SUPPLEMENT ON CIVIL IN-
 11 VESTIGATIVE DEMANDS.—

12 “(i) IN GENERAL.—The Attorney
 13 General shall include with each report sub-
 14 mitted under subparagraph (A) for the last
 15 quarter of each fiscal year a report on the
 16 issuance of civil investigative demands
 17 under section 4323(i) of this title during
 18 the most recently completed fiscal year.

19 “(ii) ELEMENTS.—Each report sub-
 20 mitted under clause (i) shall include the
 21 following for the fiscal year covered by the
 22 report:

23 “(I) The number of times that a
 24 civil investigative demand was issued
 25 under section 4323(i) of this title.

1 “(II) For each civil investigative
2 demand issued under such section
3 with respect to an investigation,
4 whether such investigation resulted in
5 a settlement, order, or judgment.”.

○